

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1151 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
Nos. 1 to 5 No.

NATIONAL TEXTILE CORPORATION (GUJARAT) LTD

Versus

MUNCIPAL CORPORATION OF CITY OF AHMEDABAD

Appearance:

MR BR GUPTA for Petitioner-National Textile Corporation.

MR BHASKAR TANNA for Respondent-Municipal Corporation of the City of Ahmedabad.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 09/07/97

ORAL JUDGEMENT

This Special Civil Application has been filed by the National Textile Corporation (Gujarat) Limited against the notice given to it by the Municipal Corporation demanding the dues of municipal tax to the extent of Rs.2,74,66,738.87 p. Mr.Gupta submits that the National Textile Corporation has been declared as sick

unit and the matter is pending with BIFR. It is submitted that in view of the provision of Section 22(1) of Sick Industrial Companies (Special Provisions) Act, 1985 recovery cannot be made.

The Municipal Corporation may therefore, approach the BIFR with proper application claiming its dues so that the recoveries can be made in accordance with law as per the arrangement made by the BIFR in future. The BIFR may also take into consideration the time which has been spent by the Municipal Corporation on account of pendency of this Special Civil Application and the interim order dated 22.2.1995 passed by this Court.

This Special Civil Application is therefore decided in the terms as aforesaid and the Rule is made absolute accordingly. Ad-interim order dated 22.2.1995, therefore, does not survive.

m.m.bhatt.